

*United States Court of Appeals
for the Second Circuit*



**APPELLANT'S
REPLY BRIEF**

Second Circuit
United States Court of Appeals

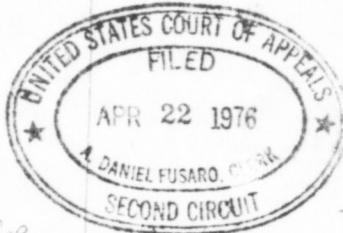
757635

No. Calendar No.

Docket 757635

Nathaniel Cooper
Plaintiff vs.
Corporation Counsel
Guards Doyle Oglesby
Steven Davis
Dept of Social Service
Mrs Cud soul Supervisor

New York State
City of New York



Proof of Service
Reply Brief
To be used if need
in argument before
the Court of Appeals

ON appeal from the United States District Court
Nathaniel Cooper being duly Sworn according to law
deposes and says that upon this day cause
To be served upon Respondent herein True Copy's
of all papers submitted to this honorable Court
and Respondent by placing same in the hand
of the City of New York Corporation Counsel

Sworn to me this 12th day

of April 1976

Ruth Goldfarb
Former Clerk of Clerks, City of New York
New York County Clerk's No. 3-79
Commission Expires September 1, 1976

Notary Public Seal

Respectfully
Submitted
Nathaniel Cooper
372 Miller Ave
Brooklyn N.Y. 11207

To Renee modry
Memorandum
of Law

Index
75735
color ill.
or appeal

Dear Counsel please understand I see I must
do this off the the case is ended for one thing the
Attachment To Complaint shows clear violation
of petitioners Rights For taking away the
Equal protection of the Law and the National protection
supreme court of the United States 1944 321 U.S. 649 645 Ct 757 88 LEd. 987 For counsel
the offices in those Times of 1973 and early 1974 AD and
Saul Burnsstein and Mr Burchill were indeed as
the attachment To Complaint did Refute To the District
Judge having Let the old paper slip away any way the
attachment To Complaint file in Late 1974 AD is showing
Now To the appeals Court where the office of the Comptroller
do have all the original paper as well as
Plaintiff Now the fact contain in motion To the appeals
Court file in Feb 25 75 copper vs. attorney Ambrosio
also there were other paper file before the appeals court

(2)

These papers were file to the Clerk of the Court
on May 1, 1975 these paper TELL a story and
It shall be clear to the Court Corporation Counsel that
he and the District Judge have been showing the True Law
showing so many Times in so many paper at a great cost
To plaintiff yet the Relief sought is so plain and clear
so this memorandum is a defense for plaintiff as the
law having been lose by Negligence of the Court. the
Corporation Counsel having violated Plaintiff Civil Rights
so many Times since 1973 It's a shame and the attachment
To the Complaint pick up on the activities of the attorney
who violated petitioner federal Civil Right 13.7 for Liability
of State officials and there individual and municipalities and County
and here officers 13.8(3) at the time year closing Dec. 16 or
so 1974 AD as a key word I use by Take away the
equal protection of the law. First Lesson to the
Court and the usurping Comptroller office and the
emasculating Federal Court, I must point out here
again I request the Circuit Judge to review my
brief carefully as well as paper file last year
to appeal court.

③

To be argued in court

To give the first answer that I will point out is
that the truth that Oglesby and Davis are not what
you can call Creditable ^{witness} as in Brief of Feb 9 76
It states that OGlesby were wearing a coat on Dec 22.
1972 and Sept 9 1975 he stated I Tore or Ripted his Coat.
and I stated at Trial I were wearing a coat at ^{thirty degrees}
Wear one plaintiff did Request on Oct 16 and so did
CoCounsel as well on Sept 9, to have case put
off until minutes of hear or arraignment of Dec 19 1972
so the Counsel on page 8 the Trial Originalie were
set at week later Oct 26 I believe, then by Phone call to
Plaintiff I had to leave Job for date were not keep for
Original Date Even though Plaintiff threatening not
to appear the Judge Bonsal then through his Law Clerk
Mts Freed men ^{intimidate} Plaintiff By threat to my
Mother as I never Recieve the call I were on the Job.
threat to Dismiss Case if I fail to keep New date
I Recieve by way of Phone call it was preJudece very preJudece
when Plaintiff serviced the district with a ^{judge} stay of the trial

the Judge were so Biase at this point
 The Plaintiff after much Delay had to yell To the
 Calender Clerk To Make Judge Recieve Memorandum
 from the City Stenographic and Office of the Reportor yet in
 Violation of Federal Civil proceder under ~~newly discovered~~
 Evidence 2353 as plaintiff did inform the Judge, he
 were waiting for the minutes as they were a Delay of
 correct Name of the Reportor of that Dec 19, 1976 Plaintiff
 aquired the Transcript of the Trial a week to late,
 then the City of New York are nots, as for the Lie on page 7
 on Renee Modry an appendix were servise on the city
 with Brief Feb, 1, 76. The Clerk of the Court, State I did
 not need any other Transcript if I could not afford them
 under Rule 28 U.S.C. § 1915 affins Valuopont Co 335 U.S. 331. the
 defense that the charge made is true is an absolute and
 complete defense to a civil action for defamation, The
 qualification being only that the justification proved must
 be as broad as the charges Young v. Adams 113 Mich 199 8dars
 Case on Torts p. 409) For example of defamation
 on following page

For Malice ⁵ Expressly hatred
and ill will from corporation

When plaintiff filed a attachment Complaint
of the conduct of Saul Bernstein and Thomas Burchill. Defamation and the filing of Complaint before
New York Bar ass 44 St that is association the Defense
must be pleaded and proved by the Defendant, for Plaintiff
makes out a Prima Facie case by proving the defamatory
words and publication to the news papers and to the
Court by way of a complaint he has not the burden
of proving falsity it is the Defendant who must
justify Ashcroft v. Hammond 132 App. Div. 3d. Defamation
Terwilliger v. Wands, supra; Beach v. Ranney, 2 Hill 309 Reporter
association v. Sun, 186 N.Y. 432, 19 N.E. 710. Punitive Damages may be
recovered upon proof of Express Malice Corrigan v. Bobbs 287 N.Y.
58126 N.E. 260 Edgars cases on Torts, P431).

Now Referring to Department of Social Service the
Department did pull a mother use assault on Plaintiff Plaintiff
will choose to show the appeals court again as well
as the many Defendant in this Law Suit. For
Point ① of this charge the Plaintiff Did have
proper Identification on Dec 19. 1972. OR

To be argued the Denial of Welfare⁶
It were Proving when The Judge dismiss The Jury

for 5 minutes when plaintiff pen down Oglesby
Concerning what kind of IDentification is needed

after filing Tax since 1956 and have letter from school
with Social Security number on it stating income were 6.93 per
week and learners permit plus Birth certificate all these

They were showing at Trial. Let the Counsel Renee
modry be properd to argued on our Day in
Court what kind of I.D. were needed to receive
Public welfare as stated in attachment to complaint

Charter Laws, in Denying Plaintiff
a Fund that partly come from what other
source the Federal Government this alone
holds the Department of Social Service and the
Conspiracy when it attempt to murder Plaintiff by
Conspiracy act in New York Conspiracy is
not a separate Torts it is how ever a Substantial
one of Pleading it is to hold all the Conspirators

(7)

42 USC A 1985(3)

the True Fact of hatred

lible for the overt acts of the others, committed pursuant to the conspiracy. If therefore, one or more of the conspirators commits an overt act amounting to a torts

in pursuance of the conspiracy, the liability of all is joint

and several, for they are joint torts ~~feasers~~ ^{feasers}, the

element of concert consisting in the common plan

Brackett v. Griswold, 12 NY 457, 20 NE 376 Place v. Minister,

65 NY 87) See Van Horn v. Van Horn 52 NJ L 284 Edgars Case

5 Torts p. 375 at Trial Defendant fail to show grounds

Why Plaintiff were denied welfare Please be ^{repaired} ~~repaired~~

To Explain in argument before the Court of appeal

If the Court Notice all my motion before the court or not

Confusing as counsel states are confusing this is my treat

mark. The conduct of Dept social service conflicted

with Social Security in violation of 406 (a) 401, 42 USC A 55601

606 (a) the Comptroller have never made attempt to seal

Case I believe him having the Second Circuit to

Reverse or inter Default Base on the here in

Contains of violation above. Of Dept of Social Service

The Final Blow ⁸
of
The memorandum

Not only Did Plaintiff Served Time in Jail the Guard
Did Not appear To Defend these charges before investi-
gation UNIT 236 church St. N.Y.C. 9 months were giving yet
They Never Came To defend criminal charges more appear be-
fore investigators of charges. So The City Under General
Municipalities Law section 50 e I filed a claim it dose
NOT state which Court I must commence my
Action in. I put this in paper before the Court in 1974
and 1975 that I chose the Federal court because the
fact that Plaintiff were Denied inter in To a public Building
D.C. DC 1974 Equal protection clause demand no less than substantially
Equal State Representation for citizens of all places as well as of all
Races. U.S.C.A const prohibiting the denial of Equal enjoyment
of any accommodation Facilities and privileges of inns
Common carriers theaters or other places of Public
Resort or amusement Regardless of race or color and
giving the party for the one aggrieved a Right To Recover a
Penalty for the offense 109 U.S. 327 2 ed (U.S.) 136.3 Sup. Ct Rep 18.
cases 109 U.S. 327 2 ed (U.S.) 136.3 Sup. Ct Rep 18.

Summation

The memorandum herein
must conclude

It is the States
Plan To annul or
Evade the
Laws

That Plaintiff has had a Tough an ever onward
Battle with Lawyers and so I did Battle with this
Lawless Judge Bonsal Plaintiff Call Lawyer
Renee Molby hand of this Lie Plaintiff motion
To the Judge after the Jury Box were full
that they 6 Juries were not of my Piers
any Person say I did not do so is open
h Lawyer of course The Judge Denied this motion.
Constitution Law showing I can sue under General munici
pal Law 50e a Public Corporation a claim founded upon
Torts 50e check paper of May 175 and Feb 21, 75 and before
Original complaint, the Prohibitions of the fourteenth amendment
are addressed To the States they are NO STATE shall make
or enforce a law which shall abridge the privileges or immu
nities of citizens of the United States nor deny To any Person
within its Jurisdiction the equal Protection of the laws, they have
Reference to actions of the Political body denominated a state
by whatever instruments or in whatever modes that action may
be Taken.

10 The taking away of equal right
1175 : 1973 F.D. 1974 F.D.

A State acts by its legislative, its executive or its judicial authorities. It can act by ~~any~~ no other way or means. The constitutional provision, therefore must mean that no agency of the state, or of the officers or agent by whom its powers are exerted shall deny to any person within its jurisdiction the equal protection of the laws. Whoever by virtue of public property life liberty without due process of the laws, or denies or takes away the equal protection of the laws violates the constitutional inhibition, and as he acts in the name and for the state, and is clothed with the state's power, his act is that of the state. This must be so, or the constitutional prohibition ^{having no meaning} then the state has clothed one of its agents with power to annul or to evade it. Soon page 6 I think Renee Modry for Bring out the many violation of the Judge he was very lawless as stated in the brief of the lawless trial and also again to counsel plaintiff can require the supreme court to order transcript if needed by that court ok. thank you all.